

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DARRELL RASHARD EWING,

Plaintiff,

v.

RAPHAEL WASHINGTON, et al.,

Defendants.

Case No. 22-12127

Honorable Robert J. White

**ORDER ACCEPTING AND ADOPTING REPORT AND
RECOMMENDATION AND DISMISSING THE
CASE FOR FAILURE TO PROSECUTE**

Pro se Plaintiff Darrell Rashard Ewing filed this civil rights action in 2022 against Defendants for allegedly violating his constitutional rights while he was incarcerated at the Wayne County Jail. Judge Shalina D. Kumar referred all pretrial matters to Magistrate Judge Kimberly G. Altman. Defendants later moved to dismiss the case, or, in the alternative, for summary judgment. At that point, the case ground to a halt. Magistrate Judge Altman tried several times to mail Plaintiff her case orders, but each one bounced back as undeliverable. After nearly three months and no response, Magistrate Judge Altman recommended the case be dismissed due to Plaintiff's failure to provide an updated address and otherwise prosecute his case. *See* ECF No. 29, PageID.183 (citing E.D. Mich. LR 11.1 and Fed. R. Civ. P. 41(b)).

Despite a clear warning, *see id.* at PageID.183-184, which Plaintiff received at his latest address, *see* Text Entry, Cert. of Service of ECF No. 29, no party filed objections to that Report. This failure amounts to a procedural default and frees the Court from any obligation to review the Report’s conclusions de novo. *See* Fed. R. Civ. P. 72(b); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981) (“a party shall file objections with the district court or else waive right to appeal”); *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (“the failure to object may constitute a procedural default waiving review even at the district court level”); *White v. A.J.M. Packaging Corp.*, No. 23-1618, 2024 WL 3320451, at *1 (6th Cir. Mar. 11, 2024) (“Although exceptional circumstances may warrant departure from this forfeiture rule in the interests of justice ... no such circumstances are present in this case.”). After reviewing the record, the Court deems Magistrate Judge Altman’s conclusions factually based and legally sound. Accordingly,

IT IS ORDERED that the magistrate judge’s Report and Recommendation (ECF No. 29) is adopted.

IT IS FURTHER ORDERED that the complaint (ECF No. 1) is dismissed.

IT IS FURTHER ORDERED that Defendants’ motion to dismiss or for summary judgment (ECF No. 22) is denied as moot.

Dated: August 27, 2024

s/Robert J. White
Robert J. White
United States District Judge